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STATEMENT BY THE CHAIRMAN OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF ON THE PROGRESS OF WORK IN THE COMMISSION

1. The fifth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 3 to 14 May 1999. The Commission held a total of 19 meetings.

2. The following 20 members of the Commission attended the session: Mr. Alexandre Tagore Medeiros de Albuquerque, Mr. Osvaldo Pedro Astiz, Mr. Lawrence Folajimi Awosika, Mr. Ali Ibrahim Beltagy, Mr. Samuel Sona Betah, Mr. Harald Brekke, Mr. Galo Carrera Hurtado, Mr. André Chan Chim Yuk, Mr. Peter F. Croker, Mr. Noel Newton St. Claver Francis, Mr. Kazuchika Hamuro, Mr. Karl H. F. Hinz, Mr. A. Bakar Jaafar, Mr. Mladen Juračić, Mr. Yuri Borisovitch Kazmin, Mr. Iain C. Lamont, Mr. Wenzheng Lu, Mr. Yong Ahn Park, Mr. Daniel Rio and Mr. Krishna-Swami Ramachandran Srinivasan. Mr. Chisengu Leo Mdala did not attend the session owing to pressing matters of national interest to which he had to attend.

3. The Commission had before it the following documents: provisional agenda (CLCS/L.7) which, after it was adopted with an amendment, was reissued as approved (CLCS/10); Provisional Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/L.6); conference room papers relating to the Provisional Scientific and Technical Guidelines (CLCS/CRP.13-16), as well as other additional proposals on the Provisional Scientific and Technical Guidelines submitted by the members of the Commission.

4. The meeting was opened by the Chairman, Mr. Yuri B. Kazmin. In his opening statement, the Chairman outlined the programme of work for the fifth session of the Commission. He proposed to amend the agenda of the session to include the item "Date of the next session and the issue of election of officers of the Commission". The agenda was adopted as amended (CLCS/10).

5. The Commission received the letter of Mr. Hans Corell, The Legal Counsel of the United Nations (CLCS/14), containing a legal opinion regarding the most

appropriate procedure in cases where it might be necessary to institute proceedings following an alleged breach of confidentiality. The legal opinion had been prepared upon the request of the Commission (CLCS/13). The Commission also agreed that that as well as various other issues raised by its members, such as the establishment of a trust fund and training, would be addressed under the agenda item entitled "Other matters".

6. The Chairman pointed out that the main task before the session was to consider and finalize the Provisional Scientific and Technical Guidelines of the Commission, which are aimed at assisting coastal States in preparing submissions regarding the outer limits of their continental shelves. In this connection, he informed the members that several States, namely Australia, Canada, New Zealand and the United States of America, had addressed letters to the Commission containing comments to the Guidelines. The comments were issued in all official languages as conference room papers for the internal use of the Commission so that its members might consider them in their personal capacity before discussing the Guidelines.

7. Following a discussion on the organization of work, the Commission decided to devote the first week to the deliberation of outstanding issues, in particular those indicated in the Guidelines by square brackets, and to reconvene for that purpose the Editorial Committee established at the third session (CLCS/7, para. 10), under the chairmanship of Mr. Galo Carrera. It was also agreed that other issues would be discussed at the beginning of the second week of the session. At that time, the Commission would also proceed with the formal consideration and adoption of the Guidelines in the plenary.

8. The Editorial Committee then resumed its work on the Guidelines. In accordance with the decision taken at the fourth session (CLCS/9, para. 16), the Committee focused on those parts of the text on which consensus had yet to be reached, on the understanding that members could propose further changes in the text.

9. The Editorial Committee first considered editorial changes as proposed by its Chairman. The Committee also decided to refer all issues of substance to the working groups set up during the third session for consideration of each chapter of the Guidelines (CLCS/7, paras. 10 and 13). The following chapters were discussed in the working groups:

(2) Entitlement to an extended continental shelf and the delineation of its outer limits - Mr. Carrera, Chairman;

(3) Geodetic methodologies and the outer limits of the continental shelf - Mr. Carrera, Chairman;

(4) The 2,500-metre isobath - Mr. Lamont, Chairman;

(5) Foot of the continental slope determined as the point of maximum change in the gradient at its base - Mr. Rio, Chairman;

(6) Foot of the continental slope determined by means of evidence to the contrary to the general rule - Mr. Hinz, Chairman;

(7) Ridges - Mr. Hamuro, Chairman;

(8) Delineation of the outer limits of the continental shelf based on sediment thickness - Mr. Brekke, Chairman;

(9) Information on the limits of the extended continental shelf - Mr. Albuquerque, Chairman.

10. The Oversight Group, with Mr. Awosika as Chairman (CLCS/7, para. 12), also continued its work with a view to ensuring that all issues raised at the 1993 and 1995 meetings of the Groups of Experts were addressed in the Guidelines.

11. The working group on annex II to the Guidelines (under the chairmanship of Mr. Jaafar) continued its consideration of flowcharts and illustrations relating to several chapters of the Guidelines, which were to be included in that annex.

12. During the consideration of the Guidelines, a number of comments were made and some substantive amendments, proposed by the members with a view to producing a final consensus text, were accepted. As a result, substantial changes were incorporated in the revised version of the Guidelines, dealing with, inter alia, the following matters:

- Baselines;
- Selection of straight lines to delineate the outer limit of the continental shelf;
- Some aspects of geodetic methodologies;
- Sources of data for bathymetric measurements;
- Foot of the continental slope determined as the point of maximum change of gradient;
- Foot of the continental slope on the basis of evidence to the contrary;
- Ridges;
- Sediment thickness.

13. The reports of all groups, as well as the revised chapters of the Guidelines submitted by the chairmen of the working groups, were then considered by the Editorial Committee.

14. As a result of the deliberations, the Editorial Committee produced a revised draft and submitted it to the plenary of the Commission. The Commission then considered the proposal on a page-by-page basis. Some members of the Commission expressed their reservations with regard to certain provisions, such as the selection of fixed points along arcs to determine straight lines, the issue of archipelagic baselines and the problem of the 2,500 m isobath. However, they did not insist upon them, in order not to impede the general

agreement on the Guidelines as a whole. On 13 May 1999, the Commission adopted the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (to be issued as document CLCS/11) by consensus.

15. The Commission also examined annex II to the Guidelines, but it was not in a position to complete its deliberations. It was decided that the discussion of outstanding flowcharts and illustrations would resume at the next session with a view to finalizing and adopting that annex.

16. At a later stage, preferably at the next session, the Guidelines may be supplemented with additional annexes which may contain flowcharts and figures illustrating the provisions of the Guidelines or examples of how more general provisions of the Guidelines might be implemented. Such annexes may be proposed by the members of the Commission, subject to consideration and adoption by the Commission. They shall in no way deviate from the United Nations Convention on the Law of the Sea or from the substance of the provisions of the Guidelines.

17. With respect to the creation of a trust fund to assist in financing the participation of members of the Commission from developing countries, the Secretary of the Commission provided information concerning the basic United Nations policy regarding the establishment and management of trust funds. The Commission decided to deal with the matter again at its next session, taking into account the outcome of the forthcoming Ninth Meeting of States Parties to the Convention, which will receive information from the Secretariat regarding various possibilities that could allow all members to participate in the Commission, as well as modalities for a trust fund, which were explored by the Secretariat in accordance with the decision of the Eighth Meeting of States Parties (SPLOS/31, para. 55).

18. The Commission exchanged views on the issue of training with a view to promoting a better understanding of article 76 of the Convention as well as of the Guidelines, in particular taking into account the needs of developing States. The members of the Commission agreed on the importance of the training and on the necessity to deal with that matter on a priority basis; a number of them also called for the development of a standardized training module and/or manual of the Commission. It was pointed out that a clear distinction had to be maintained between training on the one hand and advice to a coastal State under rule 53 of the Rules of Procedure of the Commission on the other. It was also stressed that at the first stage it was necessary to identify training needs and available means, as well as possible problems. For that purpose, the Commission decided to establish an open-ended working group under the chairmanship of Mr. Awosika (members: Messrs Albuquerque, Beltagy, Betah, Brekke, Carrera, Chan Chim Yuk, Francis, Hamuro, Hinz, Jaafar, Lu, Park and Srinivasan) which would prepare, during the inter-sessional period, a draft proposal concerning training to be submitted to the Commission at its next session. The Commission also requested the Secretariat to prepare a review of existing training projects and capacities within the United Nations system. Furthermore, the Chairman of the Commission, together with some other members, would contact relevant organizations which might be interested in cooperating with the Commission on training projects.

19. The Commission then considered the matter as to which procedure would be the most appropriate in cases where it might be necessary to institute proceedings following an alleged breach of confidentiality. The Commission took note of the legal opinion by the Legal Counsel of the United Nations, contained in his letter dated 30 April 1999 addressed to the Chairman of the Commission (CLCS/14). It decided to refer to that legal opinion when the need arose and proceed, as appropriate, on the basis of the recommendations contained therein.

20. The Chairman of the Commission informed members about forthcoming international events related to the work of the Commission and the issue of the establishment of the outer limits of the continental shelf. It was agreed, among other things, that the Commission would authorize Mr. Carrera to act as the convener of the session, on the issues related to the Commission, at the International Conference on Technical Aspects of Maritime Boundary Delineation and Delimitation, including UNCLOS Article 76 Issues, to be held in Monaco, on 9 and 10 September 1999, under the auspices of the International Association of Geodesy (IAG)/International Hydrographic Organization (IHO)/Intergovernmental Oceanographic Commission (IOC) Advisory Board on the Law of the Sea (ABLOS). Several other members of the Commission will participate in the event as well.

21. In accordance with its decision contained in document CLCS/9, para. 23, the Commission revisited the question of the duration and timing of its next session. The Commission decided that the next (sixth) session would be held as planned, from 30 August to 3 September 1999, in order to complete its work on annexes to the Guidelines containing illustrations of its provisions and other material, to discuss the matters of the establishment of a trust fund and training, and to examine the technical facilities of the Secretariat and its logistical preparedness for receiving submissions. In view of the fact that in accordance with rule 12 of the Rules of Procedure the current term of office of the Chairman, the Vice-Chairmen and the Rapporteur expires on 15 December 1999, the next session will also have on its agenda the election of the officers of the Commission.

22. The Commission reiterated its appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea as well as to other staff, including the interpreters, for their assistance during the session.